



Human Relations Commission  
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## **Tucson Human Relations Commission MINUTES**

The regular meeting of the Tucson Human Relations Commission was called to order by Chair Glenn Howell, on Friday, **December 22, 2006**, at 7:04 a.m., in the Mayor and Council Conference Room of City Hall, (1<sup>st</sup> Floor), 255 W. Alameda, Tucson, Arizona.

### **1. Call to Order/Roll Call**

#### Members Present:

Martha Gabusi Taylor  
Joe Yee, Vice Chair  
Timothy Dunne  
Mitchell Dorson  
Glenn Howell, Chair  
Sat Bir Kaur Khalsa, Treasurer  
Ana "Bertie" Lozano

#### Representing:

Mayor  
Ward 2  
Ward 3 (departed at 8:07 a.m.)  
Ward 4  
Ward 5  
Ward 6 (arrived at 7:06 a.m.)  
GLBT Commission (departed at 8:02 a.m.)

#### Members Absent:

Victor Flores

#### Representing:

Ward 1

#### Others Present:

Liana Perez, Director, Office of Equal Opportunity Programs (OEOP)  
Leondra Price, Senior Equal Opportunity Officer, OEOP  
Martha Durkin, Principal Assistant City Attorney, City Attorney's Office  
Delma Sanchez, Recording Secretary, City Clerk's Office

### **2. Approval of Minutes – November 8, 2006**

Chair Howell confirmed everyone had reviewed the minutes, and he asked for a motion.

It was moved by Mr. Dunne, duly seconded, and carried by a vote of 6 to 0 (Ms. Kaur Khalsa and Mr. Flores absent) to approve the minutes as presented

(Ms. Kaur Khalsa arrived at 7:06 a.m.)

**6. Presentation on Proposed Amendments to Chapter 17 of the Tucson City Code (Liana Perez)**

(Note: This item was taken out of order.)

Liana Perez, Office of Equal Opportunity Programs (OEOP) Director, said this item was requested to be placed on the agenda to advise the Commission of proposed amendments to Chapter 17 of the Tucson Code. That Chapter was enforced by OEOP, and some of the language would be cleaned up. Ms. Perez said OEOP would also like to present to the Commission a narrowly tailored exemption for same-sex only fitness clubs. Complaints were recently received from men who were being excluded from women-only exercise clubs. Under the current ordinance, that was a violation. OEOP wanted the Commission to consider the changes prior to submitting them for Mayor and Council approval.

Chair Howell asked what the changes would include.

Martha Durkin, Principal Assistant City Attorney, City Attorney's Office, said there was a section of the Code that said, notwithstanding any other provisions, certain things were allowed. She said that was where the exemption would be included. She said the language would be to the effect of:

"For a place of public accommodation to operate solely as a male-only or a female-only fitness center/gym, as long as the fitness center/gym does not include any of the other facilities listed in this article."

Ms. Durkin said the exemption would not apply to restaurants, movie theaters, or other kinds of recreational facilities besides a gym. She said there was not much case law on this topic, and it had not been challenged much. If the Commission was interested, more information could be presented and the public would be notified of a potential change to the Code so they could provide their input, with the explanation that the purpose was not to exclude anyone from being able to use a gym, but to offer protection in the areas of privacy and religion.

Chair Howell asked if businesses could alleviate the situation by not operating as single-sex only clubs.

Ms. Durkin answered affirmatively.

Ms. Taylor said operating that way was their selling point.

Ms. Durkin said there were concerns about these businesses needing to install separate facilities to accommodate both men and women. There were arguments to be made on each side of the issue. She said a case had been filed, and under the current law, it was a violation and had to be enforced as such. That would result in a fine and requiring the business to change its practice so that it did not exclude either gender. Ms. Durkin noted that State law was the same as the City's, and the state Attorney General's Office had not accepted a claim nor taken the issue upon itself. She said another issue was that discrimination based on gender was given a different level of scrutiny than other forms of discrimination, such as that based on race.

Mr. Dunne asked if the Commission needed to provide a resolution.

Ms. Durkin said that was not necessary.

Ms. Perez said they would return to present the actual proposed language in writing, for the Commission's review. The changes would be provided prior to the Commission's next meeting.

Chair Howell said Ms. Durkin and OEOP would not need to return if the Commission received the proposal ahead of time and there were no questions.

Ms. Kaur Khalsa said that public input was mentioned earlier, and it might be appropriate for Ms. Durkin and OEOP to be present for that. She also recommended ensuring the public was given adequate notice of the proposed amendments and their opportunity for input.

Ms. Perez said the amendments ultimately needed Mayor and Council approval. The Commission was the starting point for public participation, since the Commission would advise Mayor and Council regarding the ordinance. She suggested when the Commission placed it on their agenda, they also advertise it as an opportunity for public comment.

Ms. Durkin said the complainant and the accused business in the current case would also be notified.

Ms. Taylor said she did not have any problem with the proposed amendment; she thought it was reasonable. However, she said she was concerned about other businesses that might say the exception should apply to them as well.

Ms. Perez said she could not think of any.

Ms. Durkin said if any other type of business tried, they would have to establish the same kind of privacy issues that the gyms did, and that was why the record was so important.

Ms. Kaur Khalsa said massage therapists may want to work with only one gender, or vulnerable adults may not want both genders working with them. Medical practices may face the same issues.

Ms. Durkin said most of those businesses would not have difficulty establishing the privacy issues, and so were a good exception. However, exercising while fully clothed was more debatable.

Chair Howell thanked Ms. Perez and Ms. Durkin for presenting their information to the Commission.

Ms. Perez reminded the Commission they would send the proposed changes in writing, to include clarification of the existing language in other areas of Chapter 17. This would be provided in time to be included in the material for the Commission's next meeting.

### **3. Chairman's Summary of Current Events – Information Only (Glenn)**

(Note: This item was taken out of order and considered after Item 15.)

**4. Treasurer's Report (Sat Bir)**

(Note: This item was taken out of order and considered after Item 6.)

Ms. Kaur Khalsa pointed out that the Fiscal Year was halfway over, and the Commission had spent less than half of its budget.

It was moved by Mr. Dunne, duly seconded, and passed by a vote of 7 to 0 (Mr. Flores absent), to approve the report as presented.

**15. Community Forum with Office of Equal Opportunity Programs (Sat Bir)**

(Note: This item was taken out of order.)

Ms. Kaur Khalsa said there were some ideas for the next year. Some panelists were enthusiastic about participating again, and wanted to be invited back.

Leondra Price, Senior Equal Opportunity Officer, OEOP, said both of last year's Community Conversations were successful, and she would like to do two more this year. She asked if the Commission would support OEOP's efforts. She said the City's diversity training was being re-energized, and they wanted to include the Commissions' work in the training. Ms. Price said OEOP wanted to establish a community calendar to list various events on their website, and to open and maintain a dialogue similar to the YWCA's Time to Talk sessions. She was checking on copyright issues if the Community Conversations were also called "Time to Talk." If there were restrictions on using the same title, she asked if Chair Howell would work with her to see if the YWCA would be willing to partner with them.

Chair Howell suggested increasing the media's awareness of the forums, to increase public participation. He asked about the City's media resources.

Ms. Price said a media release was sent out, and Channel 12 provided advertising. She said she would check with the City's Public Information Office for more coverage.

Ms. Kaur Khalsa said the Commissioners also needed to make a commitment to attend the forums. They needed to be aware of how it looked if none of the co-sponsors showed up.

Chair Howell said OEOP had the Commission's full support, and asked if there was any objection to him working with Ms. Price to contact the YWCA. There was no objection.

Ms. Kaur Khalsa said there would be follow-up on this in January.

**3. Chairman's Summary of Current Events – Information Only (Glenn)**

(Note: This item was taken out of order.)

Chair Howell announced he had no report.

**5. Invitations/Requests for Non-Financial Support**

Chair Howell announced no requests had been received.

**6. Presentation on Proposed Amendments to Chapter 17 of the Tucson City Code (Liana Perez)**

(Note: This item was taken out of order and considered after Item 2.)

**7. Presentation on Religious Discrimination (Sat Bir)**

Ms. Kaur Khalsa said information was provided with the meeting materials. She added that Imam Omar Shahin was from Tucson, and Muhammed Asad and Maryam Mir were unable to make the meeting, but they all were very appreciative of the Commission reading the material and adding the item to the agenda. She said there were many positive activities, particularly in Phoenix, where many of the Imams were from.

Mr. Dorson asked if there was an apology from US Airways.

Ms. Kaur Khalsa said an apology had not been issued. She said she would like the Commission to write a letter of support to Deedra Aboud, who has participated on the Anti-Hate Crimes Task Force. She suggested the letter be similar to the letter in support of nondiscrimination regarding the Domestic Partner benefits. She said the letter could be sent to each of the three mosques in Tucson, and to Ms. Aboud for the Imams in Phoenix.

Mr. Dorson suggested co-sponsoring a community event to bring together people of different faiths.

Chair Howell, Mr. Dunne, and Ms. Taylor expressed concern about setting a precedent that they would need to maintain for each occurrence of discrimination that was brought to their attention, including those that happened elsewhere in the state. The Commission needed to be careful about consistent treatment in each event.

Ms. Taylor suggested either the Commission refrain from any action until a situation reached a certain level of scrutiny or more of an official level, or prepare a form letter that would be sent out each time any instance of discrimination was brought to their attention.

Mr. Dunne said he would prefer the issues be brought up during their sponsored events.

Chair Howell said they did need to be careful about responding every time discrimination occurred. He said there needed to be a consensus among the Commission.

Mr. Yee said he agreed about setting a precedent, and the need for consistency.

Ms. Kaur Khalsa said the Muslim community was very inward-looking, as was the case with many cultural, religious, and ethnic groups. She said she was concerned about the Commission backing away from the issue because they did not want to take on a task that large. She said that might not be the best reason to withhold a response.

Mr. Dunne said a primary function of the Commission was to create dialogue, which would be more effective.

Mr. Yee said the Commission should do something, but he had no specific suggestions.

Mr. Dorson said he agreed with Ms. Kaur Khalsa, and he felt the Commission was obligated to do something. He did not want them to be nervous about the Mayor and Council telling them they could not proceed; it was not the same as previous situations.

Chair Howell said the concern was not whether they could get involved, but about what they would be responsible for if they did.

Mr. Dorson said the Commission still had over half its budget left, and he suggested purchasing a teaching program called "Us and Them" and making it available to area high schools. He said he thought the Commission should be part of some kind of community observance.

Ms. Kaur Khalsa thanked the Commissioners for their input. She recommended drafting a letter letting the Muslim community know about the Commission and its mission, and inviting them to talk to the Commission.

Ms. Taylor said it could be a form letter to provide to anyone who did not know about the Commission and how they might be of service.

Mr. Dunne recommended incorporating this into the Time to Talk sessions that the Commission would be pursuing with OEOP and possibly the YWCA.

Chair Howell said that would be appropriate, and he agreed with sending an informational letter about the Commission's mission and functions. Then it would be up to the public to contact the Commission about any issues they had.

Mr. Dorson said he would like to see a revitalization of activity that helped foster a sense of community.

Mr. Dunne said there were numerous community events that many people were not aware of because the community was so large, and groups were segmented and doing their own things.

It was moved by Ms. Kaur Khalsa, duly seconded, and carried by a vote of 7 to 0 (Mr. Flores absent), to form a Subcommittee for the purpose of writing an informational form letter regarding the Commission's mission and functions. Mr. Yee and Ms. Kaur Khalsa volunteered to be Subcommittee members.

#### **11. Proposals for Events (Tim)**

(Note: This item was taken out of order.)

Ms. Taylor asked if the draft proposal that was included in the meeting materials was what the Commission would use for an event.

Mr. Dunne said he was confused after the last meeting, and not sure what the Commission could do.

Ms. Kaur Khalsa said she understood that the City Clerk's Office wanted to help the Commission do what it wanted, but needed enough time to figure out how to accomplish that. Using the draft proposal as a model would help facilitate assistance from the City

Clerk's Office. She also reminded the Commission that a large event would not be feasible until 2008.

Chair Howell suggested referring to the draft proposal when discussing Item 9.

**9. Event Honoring Ray Davies (Martha)**  
(Note: This item was taken out of order.)

Chair Howell said he met with Raven Gaston, a pastor at Ray Davies' church, Catalina United Methodist Church. He said they were pleased to be asked to host the event. They had a hall that would seat approximately two hundred people, and the Commission could use it for free, but he suggested making a donation to the Church. Chair Howell said they needed to decide when to hold the event, and that he would like to present the award at the event and also honor the student at their graduation ceremony or associated awards presentation.

Discussion ensued regarding possible dates.

Chair Howell said he would ask how much assistance the Church could provide.

Discussion of this item resumed after Item 19.

**8. MLK Essay Contest (Sat Bir)**  
**a. Budget Expenditure for Purchase of Prizes for Contest Winners**  
(Note: This item was taken out of order and considered after Item 16.)

**9. Event Honoring Ray Davies (Martha)**  
(Note: This item was taken out of order and considered after Item 11.)

**19. Report from Commission on Gay, Lesbian, Bisexual, and Transgender Issues (Glenn)**  
(Note: This item was taken out of order.)

Ms. Lozano said there was a Subcommittee meeting with the Fire Chief, and a Tucson Fire Department (TFD) liaison, Randy Ogden, was assigned to the Commission. Mr. Ogden attended the last meeting, and TFD would begin increasing outreach to the GLBT community. The GLBT Commission provided a list of venues to actively recruit new employees.

(Ms. Lozano departed at 8:02 a.m.)

**9. Event Honoring Ray Davies (Martha)**  
(Note: This item was taken out of order and discussion resumed after Item 19.)

Ms. Taylor said Chair Howell and Mr. Yee would follow up with the church, and she would meet with Mr. Dorson to compose the letter that would be sent to high schools asking for nominations. She said this letter needed to be sent out as soon as classes started up again in January.

Mr. Dorson asked if Chair Howell had already met with the Church.

Ms. Taylor answered affirmatively, and said April 4, 2007 was the tentative date for the event.

Chair Howell said a list would be created, detailing what was needed for the event. He anticipated coffee and desserts would be on the menu, and it would be held at 7:00 p.m.

Ms. Taylor said the event should last no longer than two hours. She said they first needed to confirm Ray Davies' availability before confirming the date and time. She said she would contact him and find out his schedule.

**17. Stanley Feldman Award (Tim)**

(Note: This item was taken out of order.)

Mr. Dunne said he did not have any information beyond what was provided with the meeting materials.

Mr. Dorson said he would work with Mr. Dunne on this award.

**16. Rabbi Bilgray Award (Glenn)**

(Note: This item was taken out of order.)

Chair Howell said he spoke with Josh Protas, of the Jewish Federation of Southern Arizona. They had a meeting scheduled to discuss the Freedom Seder, where they would propose presenting the Rabbi Bilgray Award at that event.

(Mr. Dunne departed at 8:07 a.m.)

**8. MLK Essay Contest (Sat Bir)**

**b. Budget Expenditure for Purchase of Prizes for Contest Winners**

(Note: This item was taken out of order.)

Ms. Kaur Khalsa asked what the amounts of the savings bonds would be for the contest winners.

It was moved by Ms. Taylor, duly seconded, to purchase savings bonds for the Essay Contest winners, in the same amounts as was awarded the previous year, and adding another category for 5th and 6th grades.

Ms. Kaur Khalsa specified that there would be three savings bonds for First Place winners, three savings bonds for Second Place winners, and three savings bonds for Third Place winners.

Clarification accepted by motion maker and second.

Motion passed by a vote of 5 to 0 (Mr. Flores, Ms. Lozano, and Mr. Dunne absent).

**10. Human Relations Commission Budget (Sat Bir)**

Ms. Kaur Khalsa reminded the Commission that January was the deadline for submitting a proposal to increase its budget. She suggested asking for an increase of two thousand dollars, to support the event honoring Ray Davies and the Community Forums.



Mr. Dorson suggested requesting the budget be doubled.

Ms. Taylor said she agreed. Justification could include planning a large event for 2008, and working with the City (OEOP) on expanding their Community Forums.

Ms. Kaur Khalsa said another subcommittee might be needed to write a letter, justifying the request.

Chair Howell, Ms. Kaur Khalsa, and Mr. Dorson volunteered to be on a Budget Subcommittee.

It was moved by Ms. Kaur Khalsa, duly seconded and carried by a vote of 5 to 0 (Mr. Flores, Ms. Lozano, and Mr. Dunne absent), to form a Budget Subcommittee.

Ms. Taylor suggested each Commissioner contact their Council Member to let them know about the request and the reasons, before it got formally presented to Mayor and Council. She also suggested including the increase in awards for the MLK Essay Contest as justification.

**11. Proposals for Events (Tim)**

(Note: This item was taken out of order and considered after Item 7.)

**12. Options for Additional Commission Support (Sat Bir)**

Ms. Kaur Khalsa said adding interns and/or an increase in staff would be included in the proposal for an increased budget.

**13. Coordination of Commission Representation at Meetings / Events (Sat Bir)**

Chair Howell said Commissioners should know a month in advance of any meetings they needed to be at, so attendance could be coordinated.

Ms. Kaur Khalsa said she wanted to ensure the Commission was represented at events and meetings, even if the assigned person cannot attend.

Chair Howell said attendees and substitutes would be established for each event, and it would be each attendee's responsibility to contact their substitute if needed. He said this would be a standing item on each agenda.

**14. Anti-Hate Crimes Task Force (Glenn)**

No report provided.

**15. Community Forum with Office of Equal Opportunity Programs (Sat Bir)**

(Note: This item was taken out of order and considered after Item 4.)

**16. Rabbi Bilgray Award (Glenn)**

(Note: This item was taken out of order and considered after Item 17.)

**17. Stanley Feldman Award (Tim)**

(Note: This item was taken out of order and considered after Item 19.)

**18. Follow-up on Annual Commission Retreat (Sat Bir)**

Ms. Kaur Khalsa reminded the Commission of the feedback forms that were to be filled out and submitted to the Retreat facilitator, Nicholas Mentha.

**21. Reciprocation of Support with Other Organizations (Martha/Victor)**

(Note: This item was taken out of order.)

Ms. Taylor said Mr. Flores was the Chair of this team, and they had not finalized anything. This item should be continued to the next meeting.

**23. Consideration of Budget Expenditure for the YWCA's Women on the Move Awards Dinner**

(Note: This item was taken out of order.)

Ms. Kaur Khalsa said Sandra Day O'Connor would be the guest speaker at this event, on Friday, February 9, 2007. Tickets cost one hundred twenty five dollars each. She asked if the Commission wanted to send representation.

Ms. Taylor said she would be attending anyway, so she would wear her Commission nametag, but she thought they should still support it.

Chair Howell asked if the Commission felt they should send additional representatives, and he asked for more information about the event.

Ms. Taylor provided information about the history of the Award, and what this year's event would focus on.

It was moved by Chair Howell, duly seconded and passed by a vote of 5 to 0 (Mr. Flores, Ms. Lozano, and Mr. Dunne absent), to purchase two tickets to the YWCA's Women on the Move Award Dinner, at a cost of one hundred twenty five dollars each.

**24. Future Agenda Items – Information Only**

(Note: This item was taken out of order.)

Chair Howell said he wanted to limit the agendas to ten items in addition to the standing items, and said he must approve any items to be added.

- "Us and Them" teaching program
- MLK Essay Contest
- Event and Award Honoring Ray Davies
- Commission Budget
- Coordination of Commission Representation at Meetings/Events
- Community Outreach letter
- Rabbi Bilgray Award
- Stanley Feldman Award
- Reciprocation of Support with Other Organizations
- Representation on other Commissions

**19. Report from Commission on Gay, Lesbian, Bisexual, and Transgender Issues (Glenn)**

(Note: This item was taken out of order and considered after Item 9.)

**20. Report from Commission on Disability Issues (Robert Blizzard)**

Mr. Yee said there was a report provided from Van Tran regarding the number of complaints and compliments received, and a report from Sun Tran as well. There was also information about the Senior Olympics and about the Aurora Foundation, for females with disabilities.

Ms. Kaur Khalsa said CODI was still waiting to find out about the legal issues regarding representation on other Commissions.

**21. Reciprocation of Support with Other Organizations (Martha/Victor)**

(Note: This item was taken out of order and considered after Item 18.)

**22. Call to Audience**

There were no speakers.

**23. Consideration of Budget Expenditure for the YWCA's Women on the Move Awards Dinner**

(Note: This item was taken out of order and considered after Item 21.)

**25. Future Agenda Items – Information Only**

(Note: This item was taken out of order and considered after Item 23.)

**26. Adjournment**                      8:34 a.m.